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St. Helena

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I. General

1. The Territory of St. Helena,[1] which is administered by the United Kingdom of Great Britain and Northern Ireland, consists of the island of St. Helena and two dependencies: the island of Ascension and a group of small islands forming the dependency of Tristan da Cunha.

2. Situated in the South Atlantic Ocean, approximately 1,900 kilometres from Angola and 2,900 kilometres from Brazil, St. Helena is a small island of volcanic origin. The Territory comprises a total land area of 412 square kilometres: Ascension lies 1,200 kilometres to the north-west of St. Helena, and Tristan da Cunha and the other small islands are approximately 2,400 kilometres to the south. The island of St. Helena, where Jamestown, the capital of the Territory, is located, is the largest island, with an area of 122 square kilometres. The islands enjoy a tropical climate tempered by trade winds that blow throughout the year. They have distinctive flora and fauna, with many rare or endangered species.

3. The inhabitants of St. Helena are known as "Saints" or St. Helenians and are of mixed origin (see para. 4 below). According to the 1998 census, 5,010 people lived on St. Helena. However, as of July 2003, the St. Helena Statistics Office estimated that there were from 3,750 to 3,800 inhabitants on the island, meaning that a quarter of the population had left in just over five years. The Office noted that, following the reintroduction of granting British citizenship for Saints in 2002, the island had experienced an exodus. In 2004, the population was estimated at 3,900 inhabitants.[2] While it is difficult to provide any exact forecast of the future population, it is likely that the high emigration numbers will be reduced, since most people with a desire to leave the island have already done so and the population in the age groups most likely to leave has been depleted.[3] Approximately one third of the population resides in Jamestown. English is the official language of St. Helena. Access to St. Helena is provided by the *Royal Mail Ship St. Helena*, which serves St. Helena, Ascension, Walvis Bay, Namibia, and Cape Town, South Africa. The nearest airstrip is located on Ascension.

4. Following extended consultation between the government of St. Helena and the Department for International Development of the Government of the United Kingdom, it was announced in March 2005 that the Department would provide funding for the construction of an international airport on St. Helena. The airport should be operational by 2010.[4]

II. Historical background

5. St. Helena was discovered in 1502 by the Portuguese navigator Juan da Nova on St. Helena Day, 21 May. It was an uninhabited island. Its existence was kept secret until the English seafarer Thomas Cavendish came upon it in 1588. In 1633 the Netherlands claimed the island but did not occupy it. In 1658 a charter from the Lord Protector of Britain authorized the British East India Company to colonize and fortify the island, which was subsequently settled by the English. Slaves were brought from Africa, Madagascar and the Far East. Chinese and some Indian indentured labourers were brought to work on the island. King George II issued a charter to the East India Company setting out how the island should be fortified and governed. In the charter, the King also gave the inhabitants full English citizenship

in perpetuity. Napoleon Bonaparte was exiled to St. Helena from 1815 until his death in 1821. St. Helena became a Crown Colony in 1834. In May 2002 St. Helena celebrated the 500th anniversary of its discovery.

III. Constitutional and political background and developments

6. The St. Helena Constitution Order of 1988, which entered into force on 1 January 1989, replaced the Constitution of St. Helena and dependencies introduced on 1 January 1967. Under the 1989 Constitution, the Governor and Commander-in-Chief, who is appointed by the Queen, administers the Territory. He is assisted by an Executive Council and a Legislative Council.

7. The Legislative Council comprises the Speaker, three ex officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and 12 elected members. The Executive Council, which is presided over by the Governor, consists of the ex officio members and five of the elected members of the Legislative Council. Although a member of the Legislative Council and the Executive Council, the Attorney General has no vote in either body.

8. Elections are held by secret ballot, at intervals of not more than four years, by universal suffrage for those aged 18 years and over. While two political parties exist, they have been inactive since 1976 and elections have been held on a non-partisan basis. The most recent general elections were held on 27 June 2001, when 12 candidates representing eight constituencies were elected to the Legislative Council. The next election is scheduled for June 2005. In October 2004, Governor David Hollamby was replaced as Governor of St. Helena, Ascension and Tristan da Cunha by Michael Clancy.

9. The Constitution of St. Helena provides for the separation of the judiciary from the Government. The legal system comprises a Court of Appeal, a Supreme Court and a Magistrate's Court, with a final appeal procedure lying open to the Privy Council of the United Kingdom. Local legislation is generally applied. However, where no local legislation has been enacted, the laws of the United Kingdom are applied to the extent applicable to local circumstances.

10. In January 1983, when the British Nationality Act came into force, St. Helenians had their citizenship rights taken away. From that time until 2002, the islanders have been working through the Legislative Council and a Citizenship Commission for the restoration of their rights. Following the entry into force of the United Kingdom Overseas Territories Act of May 2002, which provides British citizenship to the people of the United Kingdom's Overseas Territories, St. Helenians regained their right to British citizenship. Under the Act, St. Helenians may hold British passports and may also work anywhere within the European Union.

11. Extensive negotiations and public consultations in relation to constitutional reform and modernization have been carried out in St. Helena over the past five years. Desiring a system of government that would give more responsibility to locally elected representatives, the government of St. Helena entered into discussions with the United Kingdom and engaged the services of an independent constitutional adviser, Ms. Alison Quentin-Baxter, to assist with examining options for constitutional reform and drafting a new constitution for the Territory.

12. Ms. Quentin-Baxter, a barrister of the High Court of New Zealand and an expert on small territories, visited St. Helena in September and October 2002 and again in April and May 2003. In her capacity as independent constitutional adviser to the people of the Territory, with funding provided through the Commonwealth Secretariat, Ms. Quentin-Baxter, after a wide-ranging consultation process, presented an issues paper in October 2002 entitled "St. Helena and its dependencies: exploring options for their future constitutional development".

13. On 11 October 2002, following discussions with the independent adviser, the speaker of the Legislative Council announced that the Legislative Council would put proposals for constitutional change before the public to see if they were well supported. The key features of the Legislative Council's proposals for constitutional change were, as reported in the media,[5] a three-tier system of ministerial government (comprising a Legislative Assembly, a Cabinet (with the Chief Minister as President) and an Executive Council (with the Governor presiding)), Legislative Assembly elections conducted partly on a multi-constituency and partly on an island-wide basis, the popular election of the Chief Minister and the inclusion of a bill of rights.

14. Following the visit by Ms. Quentin-Baxter in May 2003, at which time there were also ongoing negotiations with a visiting team from the Foreign and Commonwealth Office, a revised proposal was put forward, which, based on the 2002 proposal, included the election of all members of the Legislative Assembly by an island-wide vote and the election of the Chief Minister by members of the Legislative Assembly only. Disagreement remained, however, regarding the proposed three-tier system of ministerial government, which would allow the Governor less power than the two-tier system preferred by the United Kingdom.

15. Subsequent negotiations with the Foreign and Commonwealth Office resulted in a consensus on a draft heads of agreement and a two-tier ministerial system in which the Governor would preside over the Executive Council. The consensus was reached with reservation in April 2004, subject to the request by the St. Helena Government for the United Kingdom to reconsider its position on the retention of reserve legislative powers of the Governor.[6] In June 2004, the United Kingdom agreed to the new constitutional arrangement not conferring reserved legislative powers on the Governor, but insisted that the Governor have the ability to challenge a decision made by the St. Helena Government by applying to have the matter dealt with by an Order in Council in the United Kingdom Parliament when necessary.[7]

16. In September 2004, Mr. Anthony Green was appointed as the Constitutional Change Coordinator and in February 2005 he announced that a "consultative poll" would be held in St. Helena on 25 May 2005 to determine whether St. Helenians would want to adopt the new constitution proposed in the Heads of Agreement. It has been stressed that the United Kingdom will not bring the new constitution into force until it receives a clear signal from St. Helenians that they wish to adopt the draft constitution. It has also been highlighted that, although it would be ideal to have the new constitution in place in time for the next general election, scheduled for September 2005, the new constitution would not be brought into force until St. Helena is ready for it and, therefore, the timetable of implementation is flexible.

17. Eligibility to vote in the consultative poll is being extended beyond the usual electoral role. People who are not on the Register of Electors but who are citizens of British Dependant Territories, British citizens or British overseas citizens, over 16

years of age and who have St. Helenian status or fulfil a residency requirement may vote in the consultative poll. The eligibility criteria for the consultative poll are the same as those applied in the Access Poll undertaken in 2002, with the exception of the residency requirement, which has been reduced.[8]

18. According to media reports, the new constitution proposes three main changes to the existing constitutional system in St. Helena:

- Government by reference to the partnership values
- New guarantees of fundamental human rights
- A ministerial form of government

19. In recognition of shared British citizenship, the relationship between the United Kingdom and St. Helena would be based on the partnership values set out at the beginning of the draft constitution. The partnership values are: good faith; the rule of law; good governance; sound financial management; the impartial administration of justice; the political neutrality of the St. Helena Public Service; the maintenance of public order; compliance with the international obligations of the United Kingdom and St. Helena; the maintenance of international peace and security; and the country's right to self-defence. The human rights guaranteed in the draft constitution and protected by the powers of the Supreme Court include the right to life, the right to a fair trial, the right to privacy, the right to freedom of conscience, the right to freedom of expression, the right to education (including free primary education), the right to freedom of association and protection from discrimination.

20. The two-tier system of ministerial government set up in the draft constitution comprises a Legislative Assembly and an Executive Council. The Legislative Assembly would replace the existing Legislative Council and would consist of 12 elected representatives and the Speaker and Attorney General (neither of whom would have a vote). The 12 elected representatives would be elected on an island-wide basis by all registered voters in a single constituency, in contrast to the current multi-constituency voting. A general election would be held at least every four years. The Legislative Assembly would be responsible for debating and passing (by majority) any new laws for St. Helena and could debate any other matter. The Executive Council would be comprised of the Chief Minister and three or four Ministers and the Attorney General (who would not have a vote). The Chief Minister (the Head of Government) would be elected by the Legislative Assembly by secret ballot and receive at least 7 of the 12 votes. Three or four Ministers would then be chosen by the Chief Minister from among the elected members and would be designated portfolios. The Ministers and Chief Minister would be formally appointed by the Governor. Any three members of the Legislative Assembly could move to have a vote of no confidence if they felt that the Chief Minister and ministers had lost the confidence of the Assembly. A vote of no confidence carried by seven or more of the elected representatives would result in all the Ministers losing their posts.

21. Although the Executive Council could meet without the Governor, its function would be to advise the Governor on government policy and on the general direction and control of the government. The Executive Council would be collectively responsible to the Legislative Assembly (and through it, to the electorate) for advice it gives to the Governor and for all actions taken by or under the authority of any

Minister. The Governor would have to act in accordance with the advice of the Executive Council unless it was considered that the advice was inconsistent with a partnership value. In such a case, the Governor would then be obliged to obtain the approval of the United Kingdom to not follow that advice.

22. The draft constitution significantly reduces the areas of responsibility of the Governor. Under the draft constitution, the Governor alone has responsibility for internal security (including policing), external affairs and defence. Although the Governor is obliged to consult with the Executive Council regarding actions to be taken in these areas, he is not required to follow the advice given. Under the draft constitution, there would no longer be a Chief Secretary, but a new office of Deputy Governor would be created to assist the Governor in the exercise of his or her functions. Although the first Deputy Governor would be from the United Kingdom Foreign and Commonwealth Office, either a local or a person based in the United Kingdom could hold that position in the future.

23. The responsible ministerial form of government would necessitate reform of the public service and the relationship between the departments and the government. Each department or ministry would have a permanent secretary who would act as the chief policy adviser to the Minister on matters within the responsibility of their department. Subject to the general direction and policy control of the relevant Minister, permanent secretaries would be responsible for the administration of departments.[9]

24. Concerns have been raised in the Territory regarding whether the Territory will be able to support the costs of a ministerial government and whether there is a sufficient number of adequately qualified people willing to stand for election. During the public consultations, disappointment was also expressed that the only option proposed was the ministerial form of government.[10]

25. A review on modernizing government, funded by the Department for International Development, was held in the latter part of 2004. The review was initiated to examine how the public service would have to be restructured to accommodate a ministerial system of government under the new constitution. Two of the primary questions under consideration were whether departments should be regrouped into ministries and how many permanent secretaries there should be. The existing heads of departments gathered for the review undertook consideration of the issues and made recommendations to elected Members as to the restructuring that they considered would work best. It would be the role of the Chief Minister to undertake such restructuring, were the new constitution to be adopted.[11]

26. In the context of the ongoing dialogue on the future of St. Helena at the end of 2002, the Legislative Council publicized 13 proposed strategic objectives that would allow the government to negotiate its new three-year aid agreement for the period from 2004 to 2007 with the United Kingdom (A/AC.109/2003/4, para. 17). A scheduled visit to St. Helena by representatives of the Department for International Development and the Foreign and Commonwealth Office to discuss the new aid agreement took place in the second quarter of 2004.[12]

27. In May 2003, following discussions with the population of the island, the St. Helena government approved the following six strategic objectives for the island:

- Improved access
- Improved standard of education

- Development of a sustainable and vibrant economy
- Development of a healthy community in a safe environment
- Promotion and development of a sustainable workforce
- Continuing development and establishment of democratic rights, human rights and self-determination of the people

28. The review document played an important role during budget discussions with the Department for International Development and the Foreign and Commonwealth Office as it demonstrated what St. Helena wanted to achieve and how it intended to do so.

IV. Economic conditions

A. General

29. In the 2004 budget speech, the acting Financial Secretary announced that while the economy of St. Helena continued to struggle, that there was evidence that it had finally begun to stabilize. However, the Territory still faces problems associated with a shrinking tax base, an ageing population and the exodus of skilled individuals leaving in pursuit of higher wages offshore. St. Helena's heavy dependence on aid from the United Kingdom and other external funding for capital and technical investment allows the population to enjoy a higher standard of living than local resources would be able to sustain. In 1999, after lengthy consultations, the government of St. Helena issued its strategic review for the period from 2000 to 2010. As the economy is heavily dominated by the government sector, with some 70 per cent of the workforce employed by government-owned enterprises, the main focus of the review is public-sector reform and private-sector development. Also outlined are options for St. Helena to generate sustainable wealth through internal investment, tourism, exports and import substitution. It is hoped that the international airport to be constructed on St. Helena, which is due to be operational by 2010, will provide a significant boost for the Territory's economy. It is expected that increased tourism and inward investment will flow from the improved access arrangements.[13]

30. In the 2004 budget speech, the government announced policies to develop the private sector as the future economic base of the Territory. These policies included the contracting out of government services, vocational training as part of the long-term policy for employment, developing access to the Territory and the fiscal review that was undertaken in August 2004 with a view to reforming the tax system and developing a more liberal inward investment policy in the Territory.[14]

B. Assistance from the United Kingdom

31. St. Helena is heavily reliant upon the United Kingdom for financial assistance. In the budget for the 2004/05 fiscal year, expenditures were estimated at £18.561 million, while local revenue was estimated at £5.843 million. Almost the entire £12.718 million shortfall was expected to come from grants-in-aid from the United Kingdom.[15] The £13 million in budgetary support from the United Kingdom is used to meet essential public services and to subsidize the Territory's dedicated shipping

service.[16] In real terms, aid from the United Kingdom has declined over the last decade, and this has had an effect on the St. Helena economy. As well as supporting the government's annual budget, much of the capital investment in the Territory is funded through the Department for International Development.[17] Between 1997 and the end of the financial year 2003/04, it was estimated that the Department's bilateral spending on St. Helena totalled over £244 million.[18]

32. The proposed international airport on St. Helena will be funded by the Department for International Development subject to satisfactory bids for a contract to design, build and operate as well as a rigorous environmental impact assessment. The cost of undertaking such a project has not been disclosed, as the Department considered that disclosure of cost estimates could prejudice the competitive tender process. However, in June 2001, a consulting company appointed to undertake a comparative cost study of air and sea access indicated that a single runway would cost more than £38 million, while a dual runway would cost £50 million. The replacement cost of the *RMS St. Helena* was estimated at £26.3 million.[19] The Department noted that, in considering the access challenges of St. Helena, they had examined whether it would be more economically efficient and sustainable in the long term to invest in a replacement for the ship when she reaches the end of her working life around 2010 or to invest in an airport. A replacement for the *RMS St. Helena* would have required significant capital investment and the Department was of the view that they would have had to continue subsidizing operations for the foreseeable future, whereas, while establishing air access will be more costly initially, it is hoped that it will provide St. Helena with the opportunity to develop its tourist industry and promote economic development in other sectors, eventually leading to the island's financial self-sufficiency.[20]

33. In 2003, the Foreign and Commonwealth Office established an economic diversification programme budget to assist the Overseas Territories to diversify and enhance their economic base and thereby lessen their dependence on one or two sectors. It provides a source of funding to support small enterprises and entrepreneurial talent to launch new business activities in the Overseas Territories, in particular, but not exclusively, in non-traditional areas. Financing from the programme budget has been used to set up a small business expansion scheme in St. Helena, worth £150,000 per annum for three years.[21] In March 2004, the St. Helena Companies Registry was opened in Jamestown. Companies operating in St. Helena can now be incorporated in the Territory.[22]

34. In May 2004, the Department for International Development and the government of the Territory reached an agreement regarding the island's development assistance needs for the three-year period from mid-2004 to mid-2007. In an aide-memoire, it was recorded that the programme manager of the Department for International Development was to recommend to the United Kingdom Ministers the provision of £37 million to St. Helena for budgetary support, development projects, technical cooperation and a shipping subsidy over the next three years. As part of the agreement, the government of St. Helena agreed to a review of the fiscal regime, the adoption of appropriate pricing policies and the introduction of compulsory competitive tendering.[23] While the Under Secretary of State of the United Kingdom was able to accept the recommendation for the 2004/05 financial year in full, it was decided to review the requirements for the following two years at a later stage. In January 2005, it was announced that the Department's aid mission would return to St. Helena in March 2005.[24]

C. Development projects

35. St. Helena also receives assistance from the United Nations Development Programme (UNDP). The second UNDP country cooperation framework for St. Helena (see DP/CCF/STH/2), covering the period from 2001 to 2004, was extended to cover 2005 and 2006 also. Resources allocated for the extended period amount to United States $114,000. Thus far, UNDP notes as principal achievements the technical support provided to the island's Development Office, particularly in the areas of environmental management, the expansion of Internet and Intranet networks for the government, the procurement of remote sensing equipment to enable St. Helena to monitor offshore fishing in its territorial waters and the improvement in the quality of the Territory's drinking water. Continuous progress has been made in skills training for tourism and related areas, such as sign production and catering as well as improvement in services provided by the island's Tourism Office. UNDP has also funded a project to provide services for the elderly and disabled so as to help them remain within the community. This project contributed significantly to raising awareness among government representatives of the needs and rights of the elderly and disabled.

36. St. Helena is also eligible to receive funds from the European Union. Between 1995 and 2003, St. Helena was allocated 14.35 million euros from European Union funds.[25] Representatives of the island attended the European Union-Overseas Countries and Territories Forum held in French Polynesia in December 2004. In July 2004, the European Commission announced that €8.6 million had been allocated to St. Helena from the European Development Fund for the period from 2004 to 2007 to improve access to the island in order to promote economic development and thus contribute to the reduction of aid dependency.[26]

D. Agriculture and fisheries

37. Fisheries are an important sector in St. Helena's economy. In 2004, two St. Helenian fishing vessels developed the capacity to fish beyond the 12-mile inshore waters of the island's 200-mile exclusive economic zone. There are 30 fishing boats with commercial licences, but only 12 work full-time. The local fishermen sell their catch to the St. Helena Fisheries Corporation. Fish catches were up significantly in 2004 and were forecast to be in excess of 500 tons.[27] A number of international companies have been granted licences to fish in the waters off St. Helena and Ascension and these licences have contributed up to 20 per cent of all local revenue. However, licence revenue derived from foreign fishing vessels has decreased drastically over the past few years.

38. St. Helena is developing a reputation for high-quality export products, including coffee and fish. St. Helena coffee is considered one of the highest quality, premium coffees in the world. St. Helena's fish have become the first wild fish to receive organic certification from the Soil Association, the United Kingdom's leading campaigning and certification organization for organic food and farming.[28]

E. Transport, communications and utilities

39. St. Helena has more than 100 kilometres of surfaced roads. A public transport system, still in a developmental stage, was launched in November 2003 by the St. Helena Government.

40. The only port, Jamestown, provides good anchorage, although the building of a breakwater would allow passengers of large cruise vessels to come ashore in all types of weather. Since there is currently no airport or airstrip on the island, the island's only link with the outside world continues to be the *RMS St. Helena*, owned and chartered by the St. Helena Shipping Company, Ltd., which plies between St. Helena, Ascension, Walvis Bay, Namibia, and Cape Town, South Africa.

41. The announcement by the Department for International Development of its agreement to fund the construction and operation of an international airport on St. Helena, following protracted consultations between the Department and the government of St. Helena, was welcomed in the Territory. The proposed airport will be located on Prosperous Bay Plain on the eastern side of the island. The airport will have a runway 2,250 metres long, which is sufficient to support the landing of long-haul jet aircraft, including the Airbus A320 and Boeing 737-800. The new airport is expected to be operational by 2010, around the same time that the *RMS St. Helena* will be ready to be retired.[29]

42. At the St. Helenian National Economic Forum seminar, held in January 2005, a new government initiative on working in partnership with private sector entrepreneurs in the delivery of utilities to housing plots and planning for new ready-serviced housing plots was discussed.

F. Banking and credit

43. In April 2004, the Bank of St. Helena was opened, making a transition from the Government Savings Bank. The transition marked the establishment of the Territory's first commercial lending operation. According to the government, the main objectives in moving the Bank away from direct government control were to increase public confidence, to provide a customer focus to banking, to expand the services that could be offered and to act as a catalyst for private sector business. Following the opening of the Bank, 300 new accounts were opened, generating £2 million in bank deposits. The Bank started to offer services that were not previously available, including a competitive interest rate on deposits and bank transfers. The Bank was able to provide lending facilities to local businesses and individuals, which has enabled a marked increase in house building on St. Helena.[30]

G. Tourism

44. The Government has placed a renewed focus on developing the tourism sector to revitalize the St. Helenian economy. The agreement by the Department for International Development to fund an international airport on St. Helena is expected to stimulate tourism to the island to the extent that the income generated will contribute to enabling St. Helena to relinquish its dependence on aid from the United Kingdom.

45. In February 2005, the Government announced that, in conjunction with the company Shelco, it will be working to achieve the following objectives:

- A self-sufficient tourist-based economy
- Policies to generate high-value, low-volume tourism
- Maintenance and enhancement of the environment to support the development of tourism
- The creation of a flagship resort, comprising a five-star hotel, golf course and villas
- The setting up of joint public/private sector arrangements, including tourist facilities and essential services to help promote tourism in the Territory.[31]

46. The St. Helena Tourist Office has been boosting its efforts to market St. Helena as a tourist destination. Initiatives undertaken include the engagement of a marketing company to advise on ways to market the Territory, entering into discussions with tour operators regarding selling St. Helena as a destination, advertisements in various publications and television coverage.[32]

V. Social conditions

A. General

47. The team of representatives of the Department for International Development and the Foreign and Commonwealth Office who negotiated the country policy plan for 2001 through 2003 stated that, measured by international norms, St. Helena is a middle-income country with few signs of real material poverty. The team added that this situation is largely the result of the all-encompassing Government safety net, which guarantees everyone a minimum standard of living, and to social networks, which encourage the distribution of income among kin, most notably in the form of remittances. The country policy plan identifies two particularly vulnerable sectors, namely, the increasing number of elderly people (expected to be 24 per cent of the population by 2010), who live on social benefits, and the disabled, who have special, unmet needs. It also points to a "culture of dependency" on the island, partly as a consequence of the government's role as the main employer and almost the only provider of services.

B. Employment

48. As a result of the dependence on imports, the paucity of exports and the small size of the internal market, there are limited employment opportunities on St. Helena. The public sector remains the dominant employer. In October 2003, the government launched a long-term unemployment policy, in which the Employment and Social Security Department has been working closely with the unemployed to identify their training needs. Since the introduction of the new scheme, only 19 people have applied for unemployment benefits. In March 2005, there were 90 people still employed on the old community work scheme and four people on the new employment scheme.[33]

49. Offshore employment has steadily increased and, with it, remittances to the Territory. Some 30 per cent of the island's workforce is employed on Ascension, the Falkland Islands (Malvinas) and the United Kingdom; their remittances to St. Helena total £2 million per year. However, as virtually all contracts for offshore employment are for unaccompanied workers, there is a significant social burden because of the dislocation of families. In addition, the loss of trained staff to better-paid offshore employment makes it necessary to bring in more expatriate workers, in particular nurses and teachers. The St. Helena Strategic Review for the period from 2000 to 2010 showed that remittance from offshore workers was not sustainable and very clearly spelled out the dire consequences if people were not put at the centre of development, stating that no community could prosper if its biggest export was its people.[34]

C. Education

50. Education is compulsory and free for children between 5 and 15 years of age. In 2004, there were 7 schools in operation in the Territory, attended by a total of 749 pupils.

51. The introduction of British standardized tests in English and mathematics in the first and middle sections of school have shown that the majority of pupils score lower than their British counterparts. Results from the secondary school examination for students 16 years of age and over show that these pupils are also seriously underachieving, with fewer than 12 per cent of them each year attaining the minimum 5 qualifying grades for the general certificate of secondary education or its equivalent, compared with 40 per cent in the United Kingdom. These problems have been attributed in part to the high level of staff turnover and staff members' lack of qualifications and experience.[35]

D. Environment

52. St. Helena has an environmental conservation programme aimed at preserving endangered species and the diversity of habitats, which are an important part of the Territory's heritage and could potentially increase tourism. The World Conservation Union lists 40 per cent of St. Helena's plants as endangered, while other conservationists insist that the actual proportion is higher. In September 2001, the United Kingdom and the Overseas Territories adopted a set of environment charters setting out for the first time the mutual responsibilities of both regarding the environment.

VI. Dependencies of St. Helena

A. Ascension

1. General

53. Ascension was discovered by the Portuguese in 1501 and "found" again on Ascension Day in 1503 by Alphonse d'Albuquerque, who named the uninhabited island. Ascension covers an area of 90 square kilometres and is of volcanic origin.

In 1815, when Napoleon was a prisoner on St. Helena, a small British naval garrison was stationed on Ascension. The island remained under Admiralty supervision until 1922, when it was made a dependency of St. Helena. From then until 1964 the island was managed by the Eastern Telegraph Company (renamed Cable and Wireless in 1934). In 1964, in view of the plans to establish British Broadcasting Corporation (BBC) and Composite Signal Organization stations, an Administrator was appointed. During the Second World War, the United States Government built the Wideawake airstrip on the island. In 1957, a United States Air Force presence was re-established, and the airstrip and ancillary facilities enlarged. It is now the south-east tracking station for the United States Air Force Eastern Test Proving Ground. In 1982, it became the intermediate stop for Royal Air Force flights to and from the Falkland Islands (Malvinas). British and United States officials signed the Wideawake Agreement in 2003, which opened up the airstrip to civilian charter traffic.

2. Constitutional and political status

54. Executive authority for the Territory is exercised by the Governor of St. Helena. A resident Administrator is responsible to the Governor. As there have never been any indigenous inhabitants, the population (some 1,100 people) is made up of the employees of companies established on the island and their families. Until 2001, all administrative and public services were provided by Ascension Island Services, a joint venture partnership between the BBC World Service and Cable and Wireless, directed by a London Board of "Users". Owing to changed geopolitical priorities and rising salaries, the London Board decided in 1999 to disband the joint venture by 31 March 2001. As at that date, responsibility for services was undertaken by a new, transitional Ascension Island Government, consisting of the Governor of St. Helena and the Administrator of Ascension. Since then, the islanders have been engaged in deciding how to broaden their political and legislative status.

55. Throughout 2001 and 2002, there was considerable discussion among the inhabitants of Ascension about the future shape of their government. Following lengthy public discussions and controversial exchanges with the administering Power on the modalities of democratic government that Ascension Island could adopt, a referendum was held on 23 August 2002, in which the inhabitants were asked to choose between two models: either a local island council or a local island council with certain services in areas such as economic development, health and education, managed by an inter-island council that would include members from St. Helena. Ninety-five per cent of the voters in the referendum favoured the first option, namely an island council having financial and managerial responsibility for the services provided to the island.

56. Still to be developed, however, is another governmental body, a joint consultative forum, which would harmonize the relationship between St. Helena and Ascension on matters of common interest. In this respect, the independent constitutional adviser, Alison Quentin-Baxter, who visited Ascension in September 2002, recommended that the people of Ascension and St. Helena take their inspiration from similar cooperative arrangements among small independent States in the Eastern Caribbean, among small Pacific island States and between Australia and New Zealand.[36]

57. As with the existing Constitution of St. Helena, the proposed constitution would only apply in part to Ascension and Tristan da Cunha. As well as containing provisions that apply only to St. Helena and some which apply only partly to Ascension and Tristan da Cunha, the proposed constitution also contains provisions designed especially for the dependencies, such as provisions relating to the island councils. The proposed constitution also offers an opportunity to redefine the relationship between St. Helena, Ascension and Tristan da Cunha.[37]

3. Economic and social conditions

58. In December 2004, the Works Department of the island government announced the successful completion of construction of infrasound sites on the island. The Comprehensive Nuclear-Test-Ban Treaty Organization funded the infrasound project for which an additional workforce was recruited from St. Helena. Each site contains numerous underground sensor devices that can detect sound waves as they travel through the earth. The sites can detect when a nuclear explosion occurs and can also detect volcanoes, satellite crashes, storms and earthquakes.[38]

B. Tristan da Cunha

1. General

59. The dependency of Tristan da Cunha[39] is composed of four islands: the main island, Tristan da Cunha; Gough; Inaccessible; and Nightingale. Tristan da Cunha, a round volcanic island with an area of 98 square kilometres, is the most remote inhabited island in the world. Its closest neighbours are St. Helena, 2,334 kilometres to the north, and Cape Town, 2,778 kilometres to the east. Its population was evacuated to the United Kingdom when the volcano last erupted in 1961, but they returned in 1963. The only settlement on the island is the capital, Edinburgh of the Seven Seas.

60. According to the Administrator, as at December 2004, the population consisted of 275 people divided into approximately 100 households. A team of South African meteorologists live on Gough. Inaccessible and Nightingale are uninhabited.

2. Constitutional and political status

61. Following the passage of the British Overseas Territory Bill in 2002, the people of Tristan da Cunha have full British citizenship and the right of abode in the United Kingdom.

62. Executive authority for Tristan da Cunha is exercised by the Governor of St. Helena. A resident Administrator is appointed by the Governor and is responsible to him. The Administrator is advised by an Island Council, led by the Chief Islander and comprising eight elected members (including at least one woman) and three appointed members. Elections are held every three years. All registered voters over 18 years of age are eligible to vote.

63. Tristan da Cunha has its own legislation, but St. Helena law applies to the extent that it is not inconsistent with local law, insofar as it is suitable for local circumstances and subject to such modifications as local circumstances make necessary. There is one full-time police officer and three special constables. The Administrator is the Magistrate.

3. Economic and social conditions

64. No further developments in this area have been reported since the report on the issue contained in the 2003 working paper (see A/AC.109/2003/4). However, with regard to access to the island, there is no air service to Tristan da Cunha. Transport to and from the island has been provided in the past by the yearly call of the *RMS St. Helena*, an occasional passenger ship, two fishing concession vessels and the South African research vessel *SA Agulhas*. In January 2004, the Governor of St. Helena announced that, after careful consideration, the government had decided to stop visits to Tristan da Cunha by the *RMS St. Helena*. The Governor noted that the population of the island had not been relying on the ship to carry passengers and cargo to the island. The Governor stressed that the changed schedule would not affect either the relationship of the United Kingdom or St. Helena with Tristan da Cunha and that it would still be possible for people to visit Tristan da Cunha by travelling from Cape Town via alternative shipping means.[40] Owing to rough seas, the harbour is accessible only 60 to 70 days a year. A firm of consultants has carried out an assessment of improvements to the harbour that are considered vital to the island's future. The results of the study are currently under consideration.

65. In July 2004, the islands of Tristan da Cunha experienced six weeks of tremors, causing some of the islands' residents to recall the seismic activity of 1961, which caused a mass evacuation. A scientific assessment of the seismic activity concluded that although the tremors were volcanic in origin, a significant eruption was not imminent and there was no immediate threat to the population.[41]

VII. Future status of the Territory

A. Position of the administering Power

66. In his statement at the 3rd meeting of the Fourth Committee, on 5 October 2004, at the fifty-ninth session of the General Assembly (see A/C.4/59/SR.3), the representative of the United Kingdom said that as administering Power for 10 of the 16 Territories on the United Nations list of Non-Self-Governing Territories, his Government welcomed the opportunity to update the Committee on developments since it had last met.

67. He stated that the partnership between the United Kingdom and its Overseas Territories continued to develop. The sixth annual meeting of the Overseas Territories Consultative Council had been held in London in September 2004. The Council, which had been chaired by Bill Rammell, Minister for the Overseas Territories, was the forum for dialogue between democratically elected Chief Ministers and their equivalents from the Territories and with the Ministers of the Government of the United Kingdom. The meeting in 2004 once again gave the opportunity for discussion on the relationship between the United Kingdom and the Territories, constitutional modernization issues, sustainable development, including good governance and environmental matters, and other issues relating to the international obligations of the United Kingdom.

68. The representative stated that over the past year Mr. Rammell had made useful visits to two of the Territories, the Falkland Islands (Malvinas) and the British Virgin Islands. The visits had enabled him to meet a range of people in the two

territories and to get a better, first-hand, knowledge of them. He had also been able to have discussions on a wide range of issues with elected representatives in their own territories.

69. The United Kingdom welcomed the progress that was being made in the constitutional review process. Useful and productive discussions had been held over the past year by United Kingdom officials with representatives of Montserrat, St. Helena and the Turks and Caicos Islands. In St. Helena, a draft constitution had been prepared and wider consultation on it was under way. Constitutional reform proposals for Gibraltar had been tabled in December 2003. Dates had not yet been set for formal talks.

70. Conscious of the limited resources in a number of the Territories, the United Kingdom Government was continuing to support projects in various fields to raise local capacity and to promote sustainable development and good governance. Projects ranged from economic diversification to the reform of legislation governing child and family welfare, including a study on alternatives to custodial sentencing.

71. He recalled that, in 2003, the representative of the United Kingdom had said that additional funds had been expected to be provided by the Foreign and Commonwealth Office and the Department for International Development to support environment work in the Territories and the implementation of the Environment Charters for the Overseas Territories, signed in 2001. This joint Overseas Territories Environment Programme was funding 23 new projects during the period from 2004 to 2005, three of which were multi-territory initiatives. These included habitat restoration, surveys of natural living resources and capacity-building for both government and civil society institutions.

72. Regrettably, he said, the Caribbean had again suffered badly from hurricanes and, in the context of the Territories, he mentioned the devastation caused by hurricane Ivan to the Cayman Islands, despite good local contingency planning. The United Kingdom had been able to provide some immediate help, and other Territories and neighbouring States had also helped. The United Kingdom and the Cayman Islands were very grateful to all for their assistance. Although much remained to be done, encouraging steps were being taken to enable the Territory to return to normality. The Turks and Caicos Islands had also suffered quite extensive damage in part of the Territory a few weeks earlier.

73. The United Kingdom representative mentioned that, in response to requests from some Overseas Territories for help in accessing European Commission economic, trade and development assistance, an official with responsibility for liaising with the Commission had been appointed last year to the Foreign and Commonwealth Office's Overseas Territories Department. He continued to work with several of the Territories in identifying and pursuing Commission development aid as provided for under the decision of the European Union and Overseas Countries and Territories Overseas Association of November 2001.

74. The representative said that the United Kingdom continued its informal cooperation with the Special Committee. The most recent involvement had been when the United Kingdom representative had attended and presented a paper on constitutional developments in the United Kingdom Territories at the seminar held by the Special Committee in Papua New Guinea in May 2004. He stated that the most positive recent development was the proposal for a visit to Bermuda with a

view to considering movement towards the delisting of the island. He concluded by saying that the secretariat was in touch directly with Bermuda on preparations for such an eventuality.

B. Position of the Territory

75. In September 1999, the government of St. Helena published the St. Helena Strategic Review 2000-2010, in which it outlined its medium-term and long-term vision for St. Helena. During 2003, the territorial Government put forward proposals for constitutional reform, as well as strategic objectives to plan for the aid package to the island for the period from 2004 to 2007 and requested the public to respond to both (see paras. 12 through 23 above).

76. The Legislative Councillor of St. Helena, William Drabble, participated as an expert in the Caribbean regional seminar organized by the Special Committee, which was held in Anguilla in May 2003. He noted that St. Helena and Montserrat were the only two British Territories receiving grant-aid. In St. Helena's case, the reason was its isolation and the fact that it did not produce enough raw materials to cover its expenses. St. Helena had no aspirations towards independence, nor could it afford it. He said that St. Helena was very satisfied with its relationship with the United Kingdom. Like the other Territories, however, St. Helena would like to have more say in managing its own affairs (A/58/23 (Part I), annex, para. 28). The possibility for obtaining greater internal control is imminent with the consultative poll on the proposed constitution set for May 2005. If the proposed constitution is adopted, St. Helenians will obtain a significantly greater degree of control over their own affairs.

VIII. Consideration of the question by the United Nations

77. On 10 December 2004, the General Assembly adopted resolutions 59/134 A and B without a vote; section IX of resolution 59/134 B is specifically devoted to St. Helena.

Notes

[1] Information contained in the present working paper has been derived from information transmitted to the Secretary-General on 1 February 2005 from the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations and from published sources.

[2] United Kingdom Overseas Territories Department, Department for International Development, Press release, 14 March 2005.

[3] *St. Helena Herald*, 25 July 2003.

[4] United Kingdom Overseas Territories Department, Department for International Development, Press release, 14 March 2005.

[5] *St. Helena Herald*, 11 October 2002.

[6] Ibid., 8 April 2004.

[7] Ibid., 11 June 2004.

[8] *The Islander*, 3 March 2005.

[9] Ibid., 12 August 2004.

[10] *St. Helena Herald*, 3 December 2004.

[11] Ibid., 15 October 2004.

[12] Ibid., 19 December 2003.

[13] United Kingdom Overseas Territories Department, Department for International Development, Press release, 14 March 2005.

[14] *St. Helena Herald*, 30 July 2004.

[15] www.sainthelena.gov.sh.

[16] United Kingdom Overseas Territories Department, Department for International Development, Press release, 14 March 2005.

[17] www.sainthelena.gov.sh.

[18] *St. Helena Herald*, 4 June 2004.

[19] Ibid., 18 October 2002.

[20] United Kingdom Overseas Territories Department, Department for International Development, Press release, 14 March 2005.

[21] www.sainthelena.gov.sh/lifestyle/News-statementcpa.html.

[22] *St. Helena Online*, 18 March 2004, www.sthelenaonline.com.

[23] *St. Helena Herald*, 14 May 2004.

[24] Ibid., 13 August 2004.

[25] Ibid., 27 February 2004.

[26] http://europa-eu-un.org.

[27] *St. Helena Herald*, 30 July 2004.

[28] www.sainthelena.gov.sh.

[29] United Kingdom Overseas Territories Department, Department for International Development, Press release, 14 March 2005.

[30] *St. Helena Herald*, 30 July 2004.

[31] Ibid., 25 February 2005.

[32] Ibid., 18 February 2005.

[33] Ibid., 4 March 2005.

[34] www.sainthelena.gov.sh, accessed 27 February 2004.

[35] St. Helena Strategic Review 2000-2010, St. Helena Government, September 1999.

[36] Foreign and Commonwealth Office, Press release, 12 September 2002.

[37] *St. Helena Herald*, 14 December 2004.

[38] South Atlantic Remote Territories Media Association, 30 December 2004.

[39] Information derived from "Tristan da Cunha" (1998), by Brian Baldwin, Administrator of Tristan da Cunha.

[40] www.sainthelena.gov.

[41] South Atlantic Remote Territories Media Association, 25 October 2004.